



# ALL STAR CONTAINER COMPANY

September 3, 2002

Ms. Denise Mahoney  
Enforcement Specialist  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 West Jackson Boulevard, SR-6J  
Chicago, IL 60604-3590

Re: Responses to Request for Information Pursuant to Section 104(e) of CERCLA  
addressed to Martin Clarke and All Star Container, 2040 Kemper Road,  
Sharonville, Hamilton County, Ohio

Dear Ms. Mahoney:

In response to Mr. Thomas C. Marks' correspondence dated July 21, 2002, and without admission of any fault, violation or liability, Martin Clarke and All Star Container hereby submit their response to U.S. EPA's CERCLA Section 104(e) Information Request regarding the 2040 Kemper Road, Sharonville, Hamilton County, Ohio property. To the extent additional, relevant information is discovered, we will promptly provide it to your office.

If you have any questions concerning the enclosed responses, please feel free to contact my attorney, Kevin McMurray, at (513) 651-6160.

Very truly yours,

Martin Clarke

Enclosure

cc: Diana Embil, Esq. (w/encl.)  
Kevin N. McMurray, Esq. (w/encl.)

## **RESPONSES BY MARTIN CLARKE AND ALL STAR CONTAINER**

Mr. Martin Clarke and All Star Container (collectively, "Clarke") provide the following as their response to U.S. EPA's CERCLA Section 104(e) Information Request, dated July 21, 2002. Clarke provides this response subject to and without waiving any objections and reserving all rights, and without admission of any fault, violation, or liability with respect to the Clarke Incinerator site located at 2040 East Kemper Road, Sharonville, Hamilton County, Ohio (the "Site").

As an initial matter, Clarke objects to the Site being referenced as the "Clarke Incinerator Superfund Site." The Site has not been listed on the National Priorities List ("NPL"), nor has it been formally designated as requiring further action under the Superfund program. Clarke requests that U.S. EPA cease referring to the Site as a "Superfund" site.

Clarke also notes various errors contained in "Enclosure 1 – Site History" transmitted as part of the CERCLA Section 104(e) Information Request. For example, the Site History is inaccurate with respect to ownership of the Site. Of note, Martin Clarke has never owned or operated the Site. Please see Clarke's Responses to Questions 1 and 3 below. In addition, contrary to the statement in the Site History, Clarke is unaware of any residences located within 0.25 miles of the Site.

1. State the dates during which you owned, operated, or leased the Site and provide copies of all documents, evidencing or relating to such ownership, operation, or lease arrangement (*e.g.*, deeds, leases, etc.)

### **RESPONSE:**

Neither Martin Clarke nor All Star Container has owned the Site. The Site has been owned by Stubb's Mills Sanitary Landfill, Inc. since 1983. Prior to that, the Site was owned by Thomas Clarke Jr., Trustee, from 1972 to 1983. From 1954 to 1972, the Site was owned by Mr. Thomas Clarke, who was Martin Clarke's father. Mr. Thomas Clarke has been deceased since 1986.

Martin Clarke has never owned or operated the Site. All Star Container has operated a business at the Site since 1984. This business involves hauling construction and demolition debris collected at job sites located in the surrounding area, and disposing of such materials at licensed disposal facilities. No waste is disposed of at the Site. All Star Container uses the Site for offices and to store equipment used in its business. All Star Container does not have a written lease for the Site.

2. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances, pollutants, contaminants and/or waste materials at the Site? If the answer to the preceding question is anything, but an unqualified "no," identify (and provide copies where indicated):

**RESPONSE:**

Martin Clarke has not used any hazardous substances at the Site. All Star Container has not used any hazardous substances at the Site, with the exception of small amounts of household cleaning compounds used in the building, diesel fuel stored in a small tank located inside the building used to fuel equipment and provide heat in the winter months, and an aqueous-based detergent used in conjunction with a pressure washer used to clean the trucks used in the business. All Star Container has no specific documentation on these materials. To its knowledge, All Star Container has never utilized any organic solvents at the Site.

- a) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each such material;

**RESPONSE:**

See above.

- b) copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of such materials;

**RESPONSE:**

See above.

- c) how each such material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;

**RESPONSE:**

See above.

- d) when each such material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;

**RESPONSE:**

See above.

- e) where each such material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;

**RESPONSE:**

See above.

- f) the quantity of each such material used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;

**RESPONSE:**

See above.

- g) who generated supplied you with each such material; copies of all invoices, receipts, customer lists, bills of sale, account ledgers, reports, and other records which indicate such persons;

**RESPONSE:**

See above.

- h) who transported or brought each such material to the Site;

**RESPONSE:**

See above.

- i) the arrangements that were made to transport or bring each such material to the Site; copies of all manifests, bills of lading, shipping receipts, invoices, reports, and other records related to such transportation; and

**RESPONSE:**

See above.

- j) the type of transportation used (*i.e.* tankers, dump trucks, drums)?

**RESPONSE:**

See above.

3. Identify the prior owners and operators, including lessors, of the Site. For each prior owner and operator, further identify (and provide copies where indicated):

a) the dates of ownership and/or operation;

**RESPONSE:**

**Ownership**

Prior to 1954 – Unknown

1954 to 1972 – Mr. Thomas Clarke

1972 to 1983 – Thomas Clarke Jr., Trustee

1983 to present – Stubb's Mill Sanitary Landfill, Inc.

**Operation**

1954 to 1961 – Thomas Clarke (recycling and burning of commercial waste)

1961 to 1967 – Thomas Clarke (municipal and organic waste incineration)

1967 to 1974 – Clarke's Incinerator, Inc. (municipal and organic waste incineration)

1974 to 1990 – Clarke's Incinerator, Inc. (municipal solid waste transfer station). At the end of this period, Mid-American Waste Systems briefly operated a municipal solid waste transfer station at the Site.

1990 to present – All Star Container (construction and demolition debris hauling).

Starting in the 1990s, portions of the Site were utilized by 3R Solutions Recycling Company, Dogwatch, Inc. and W.G. Fairfield Company. W.G. Fairfield has not operated at the Site for at least five years. 3R Solutions Recycling and Dogwatch currently operate at the Site.

b) the nature of the prior operations;

**RESPONSE:**

Thomas Clarke – Utilized the Site for a business involving recycling and burning of commercial waste from 1954 to 1961. In 1961, an incinerator was constructed at the Site and Thomas Clarke operated a business involving the incineration of municipal and organic waste at the Site.

Clarke's Incinerator, Inc. – Operated a municipal and organic waste incinerator from 1967 to 1974. Thereafter, a municipal solid waste transfer station was operated at the Site until 1990.

All Star Container – Construction and demolition debris hauling. Activities at the Site consist of office and storage of trucks and equipment related to the business.

3R Solutions Recycling Company – Buys paper, aluminum cans and other recyclable metal products, and sells them to recycling mills, etc. Does not engage in any active recycling, just sorting, storing and shipping recyclable materials.

Dogwatch, Inc. – Originally, in the business of selling “invisible fences” to consumers for pet control. Now, they sell children's play sets to consumers.

W.G. Fairfield Company – Used a portion of the Site to park equipment used in highway projects. No active operations were conducted at the Site.

c) all evidence showing that they controlled access to the Site; and

**RESPONSE:**

Clarke is unaware of any such evidence.

d) all evidence that a hazardous substance, pollutant, contaminant or waste material was released or threatened to be released at the Site during the period that they owned and/or operated the Site.

**RESPONSE:**

Clarke is unaware of any such evidence. The nature of the operations conducted by Clarke's Incinerator would have resulted in releases to the air and the disposal of fly ash at the Site. Clarke is unaware of any other releases at the Site.

e) the chemical composition, characteristics, physical state (e.g., solid, liquid) of any hazardous substances, pollutants, contaminants or waste materials used, purchased, stored, treated, disposed of, transported to, or otherwise handled at the Site by such owners and operators;

**RESPONSE:**

Clarke has no such information beyond the general descriptions given above.

- f) copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of such materials;

**RESPONSE:**

Clarke is unaware of any such records.

- g) how each material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by such owners and operators;

**RESPONSE:**

Clarke has no such information beyond the general descriptions given above.

- h) when each material was used, purchased, generated, stored, treated, transported, disposed of by such owners and operators;

**RESPONSE:**

See above.

- i) where each material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by such owners and operators;

**RESPONSE:**

See above.

- j) the quantity of each material used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by such owners and operators;

**RESPONSE:**

See above.

- k) who generated each such material; copies of all invoices, receipts, customer lists, bills of sale, account ledgers, reports, and other records which indicate such persons;

**RESPONSE:**

See above.

l) who transported or brought each such material to the Site;

**RESPONSE:**

See above.

m) the arrangements that were made to transport or bring each such material to the Site; copies of all manifests, bills of lading, shipping receipts, invoices, reports, and other records related to such transportation; and

**RESPONSE:**

See above.

n) the type of transportation used (i.e. tankers, dump trucks, drums)?

**RESPONSE:**

See above.

4. Identify the present and past owners of all property adjacent to the Site. For each such owner, further identify:

**RESPONSE:**

Clarke does not have any specific information on ownership of the properties adjacent to the Site. Clarke presumes that such information is available at the Hamilton County Auditor's or Recorder's Office. Clarke can provide general information on the identity of the occupants of the adjacent properties, which may or may not relate to ownership.

Adjacent to the Site to the north is Interstate 275, which is believed to have been constructed in the 1960s, and Arrow Truck Sales, which is believed to have been constructed in the late-1980s. Adjacent to the Site to the east is Harry's Corner Carpet store, which is believed to have been constructed in the late-1970s/early 1980s. Adjacent to the Site to the south is Kemper Road. Adjacent to the Site to the west is a Motel 6, which is believed to have been constructed in the mid-1980s.



- a) the location of the owner's property in relation to the Site;

**RESPONSE:**

See above.

- b) the dates of ownership;

**RESPONSE:**

Dates unknown. See above.

- c) any evidence that a hazardous substance, pollutant, contaminant or waste material was released from such owner's property.

**RESPONSE:**

Clarke is unaware of any such evidence.

5. Identify the present and past operators of all property adjacent to the Site. For each such operator, further identify:

**RESPONSE:**

See Responses to Question No. 4 above.

- a) the location of such operations in relation to the Site;

**RESPONSE:**

See above.

- b) the nature of such operations;

**RESPONSE:**

See above.

- c) any evidence that a hazardous substance, pollutant, contaminant or waste material was released in connection with such operations.

**RESPONSE:**

See above.

6. Provide copies of all local, state and federal environmental permits ever granted for facilities at the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

**RESPONSE:**

Clarke has no such permits. Clarke presumes that permits may have been issued for the prior operations of the Clarke's Incinerator, but does not possess any such permits.

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I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information submitted is, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Martin S Clarke  
Martin Clarke

9-12-02  
Date